

Agency for Electronic Communications and Postal Services

Reference number of the public procurement in the Records: 0102-2741/6

Reference number from the Public procurement plan: 5

Place and date: Podgorica, 20th May 2015

Pursuant to Article 54, paragraph 1 of the Law on Public Procurement (»Official Gazette of Montenegro«, No. 42/11 and No. 57/14 ), the Agency for Electronic Communications and Postal Services announces on the Public Procurement Portal:

**TENDER DOCUMENTATION  
TO THE OPEN PUBLIC PROCUREMENT FOR  
THE PROCUREMENT OF**

consulting services  
for the preparation and conduction of public bidding procedure for awarding approvals for the  
use of radio frequencies in the bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz,  
for the implemetation of public mobile electronic communication networks,  
by means of spectrum auction

**Note: Unofficial translation**

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# AN INVITATION TO THE PUBLIC BIDDING IN THE OPEN PUBLIC PROCUREMENT

## I Information about the Contracting Authority

Contracting Authority: Agency for Electronic Communications and Postal Services	Contact point: Elvis Babačić
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Town: Podgorica	Identification number: 02326710
Telephone: +382 20 406 700;	Fax: + 382 20 406 702
E-mail: <a href="mailto:elvis.babacic@ekip.me">elvis.babacic@ekip.me</a>	Internet site (web): <a href="http://www.ekip.me">www.ekip.me</a>

## II Type of procedure

- Open procedure.

## III Subject of the public procurement

### a) Subject of the public procurement

- Services

### b) Description of subject of public procurement

Consulting services for the preparation and conduction of public bidding procedure for awarding approvals for the use of radio frequencies in the bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz, for the implemetation of public mobile electronic communication networks, by means of spectrum auction

### c) CPV – Unique vocabulary of public procurement

71316000-6 Consulting services in the field of telecommunication

## IV Conclusion of a framework agreement

The framework agreement may be concluded:

- no

**V The method for determining the subject and the estimated value of the public procurement:**

**Estimated value of the public procurement without conclusion of the framework agreement**

Subject of the public procurement is delivered as a whole, and the estimated value of the public procurement with VAT included is 150,000.00 €

**VI Submission of alternative bids**

- no

**VII Requirements for participation in the public procurement procedure**

**a) Mandatory requirements**

Only the bidder that meet requirements listed below may participate in the public procurement procedure:

- 1) if the bidder is registered for the activity that is the subject of public procurement;
- 2) if the bidder duly met all obligations in respect of taxes and contributions in accordance with the law or regulations of the country where their head office is located;
- 3) if the bidder establishes that he or his legal representative has not been legally convicted for any of the criminal offenses of organized crime with elements of corruption, money laundering and fraud.
- 4) if the bidder have a permit (a license or other document) for the activity that is the object of the public procurement, if such document is prescribed in accordance with the law.

The conditions referred to in paragraph 1 of this article shall not apply to natural persons: artists, scientists and cultural workers.

**Evidence on fulfillment of the mandatory requirements**

The fulfillment of the mandatory requirements shall be determined on the basis of the following evidence to be submitted:

- 1) the proof of registration issued by the competent registration authority, including authorized persons data;
- 2) certificate of the tax administrative authority that all liabilities regarding the payment of taxes and contributions for the period of 90 days prior to the public bid opening were duly effected, in accordance with the regulations of Montenegro or regulations of the country in which the bidder has its headquarters;
- 3) certificate or other document issued by the competent authority on the basis of information from criminal records – the evidence of meeting this requirement must not be older than six months preceding the public bid opening.
- 4) permits, licenses, approvals or other documents in accordance with the law:

**Not required.**

**b) Optional requirements**

**b1) economic-financial capacity**

Not required.

**b2) Technical and/or professional and staffing abilities**

Not required.

**VIII Bid validity period**

Bid validity period shall be 60 days from the date of public opening of the bids.

**IX Guarantees of the bid**

- yes

A bidder is required to submit a bank guarantee, which is unconditional and payable on the first call, in the amount of 2% (two percent) of the value of the bid, as a guarantee to remain obliged to the bid within its validity period and 7 days after expiry of the bid validity period.

**X Time limit and place for contract execution**

a) Time limit for contract execution is according to the framework schedule of activities, envisaged by the Contracting Authority, for the preparation and conduction of public bidding procedure for awarding approvals for the use of radio frequencies in the bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz, for the implementation of public mobile electronic communication networks, by means of spectrum auction, but not later than 18 months from the date of contract conclusion.

b) Place for contract execution is Podgorica, Montenegro.

**XI Language of the bid:**

- Montenegrin or other language in official use in Montenegro, in accordance with the Constitution and law
- English language for parts of bid related to:
  - 1) quality (certificates confirming participations in spectrum auctions);
  - 2) technical documentation (description of working method for the provision of consulting services).

**XII Criteria for selection of the most favourable bid:**

Economically most favourable bid, with the following sub-criteria:

1) the lowest offered price	number of points	40
2) quality	number of points	60

### **XIII Time and place for submission of bids of public bid opening**

Bids shall be submitted on weekdays from 09:00 to 15:00 hours by **29th June 2015 until 11.00 o'clock.**

Bids can be submitted:

- by hand delivery to the Records Office of the Contracting Authority, at the address: Blvd. George Washington 56, Podgorica, Montenegro.
- by registered mail with a return receipt at the address: Blvd. George Washington 56, Podgorica, Montenegro.

The public opening of bids, which may be attended by authorized representatives of the bidders with the attached power of attorney signed by the authorized person shall be held on **29th May 2015, at 12.00 o'clock**, on the premises of Agency for Electronic Communications and Postal Services, at the address Blvd. George Washington 56, Podgorica, Montenegro.

### **XIV Deadline for taking decision on the most favourable bid**

Decision of the most favourable bid shall be taken within 60 days after the public bid opening at the latest.

### **XV Other information and conditions of importance for conduction of public procurement procedure**

#### **Payment method and deadline**

Payment deadline: 7 days after finalisation of each individual service.

Payment method: payment order.

#### **Means of contract financial securing**

The winning bidder is required, before concluding the contract, to submit the following:

- performance guarantee in the amount of 5 % of contract value.

## **TECNICAL CHARACTERISTICS AND SPECIFICATIONS OF SUBJECT OF THE PUBLIC PROCUREMENT**

The Agency for Electronic Communications and Postal Services (hereinafter: Agency) intends to conduct public bidding procedure for awarding approvals for the use of available radio frequencies, in the bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz, for the implementation of public mobile electronic communication networks, by means of spectrum auction.

The purpose of this procurement is to ensure the procurement of independent consulting services that include expert support for preparation and conducting of the public bidding, including the right to use specialized software tools, and expert support after completion of auction procedure for awarding approvals for the use of radio frequencies from above bands.

The subject of the auction procedure is the allocation of radio-frequency blocks according to the following categories (one or more new categories with special obligations within the radio-frequency blocks given below are possible):

- 6 blocks, bandwidth 2x5 MHz for each block, in the band 800 MHz,
- 5 blocks, bandwidth 2x5 MHz for each block, in the band 900 MHz,
- 11 blocks, bandwidth 2x5 MHz for each block, in the band 1800 MHz,
- 3 blocks, bandwidth 2x5 MHz for each block, in the band 2 GHz (FDD),
- 4 blocks, bandwidth 5 MHz for each block, in the band 2 GHz (TDD),
- 14 blocks, bandwidth 2x5 MHz for each block, in the band 2.6 GHz (FDD),
- 10 blocks, bandwidth 5 MHz for each block, in the band 2.6 GHz (TDD).

According to the framework schedule of activities, the Agency intends to issue a Decision on the initiation of the public bidding procedure for awarding approvals for the use of radio frequencies from these bands in November 2015 (previously entails defining the final text of Public Bidding Documentation) as well as to carry out the process of spectrum auction during February 2016 (implies, among other things, pre-defining the rules and procedures of the spectrum auction and customize the software for the auction established rules). In case of change of periods, the winning bidder in this procurement (hereinafter: Selected Consultant) is required to comply with modified schedule.

The Selected Consultant is required, for the provision of consulting services subject to this procurement, to appoint a consulting team, consisted of at least three members (including the team leader). At least one member of the consulting team has to be technically qualified with good knowledge of mobile communication networks. Economics profession with a good knowledge in the field of mobile communication market is mandatory for one member of the consulting team.

Consulting services subject to this procurement shall be performed in Montenegrin or English language.

The bidder must be independent of the interests of the electronic communications market in Montenegro. The bidder shall not have any business or contractual relations with mobile operators in Montenegro, which are in any way connected with the planned public bidding procedure for awarding approvals for the use of radio frequencies.

Ref. No.	Description of subject of the public procurement or its part	Important characteristics of subject of the public procurement	Unit of measure	Quantity
1	Consultation service for the preparation of public bidding procedure	<p>1. The Selected Consultant shall provide an expert support to the Agency for the finalization of the Public Bidding Documentation (Part: Subject and conditions of public bidding) prepared by the Agency, through the analysis and evaluation of selected solutions, taking into consideration the results of the public consultation, which will be implemented by the Agency. This part of documentation for public bidding, inter alia, refers to strategic issues regarding allocation of radio frequencies in each band, the structure of unit radio-frequency blocks in each band and their categorization, the period of approval validity for the use of radio frequencies subject to public bidding, reserved spectrum, spectrum caps, coverage requirements. The solutions adopted shall be integrated into the software for the implementation of the auction procedure (hereinafter: the auction software).</p> <p>2. The Selected Consultant shall provide an expert support to the Agency for the finalization of the Public Bidding Documentation (Part: Rules and procedures of public bidding). This part of the documentation for public bidding, inter alia, refers to the procedural aspects, rules and technical requirements related to the successful implementation of bidding procedure. The solutions adopted shall be integrated into the auction software.</p> <p>3. The Selected Consultant shall provide support to the Agency for the preparation of technical specifications for auction room equipment (necessary hardware, software, communication systems, video surveillance, access</p>	set	1



		<p>control, integrity protection ...) and the appropriate procedures regarding access to, information flow and communication among persons who are involved in the auction, during the auction.</p> <p>4. The Selected Consultant shall provide an auction logistics plan and detailed time schedule which should:</p> <ul style="list-style-type: none"> <li>- ensure that all computer software and hardware to be used in auction implementation is suitable and secure in terms of its reliability, the physical robustness, its redundancy and back-up systems;</li> <li>- ensure that the method chosen for bidders to communicate bids is secure, efficient and is not subject to tampering or other interference;</li> <li>- seek to ensure that the potential for anti-competitive behaviour (such as, but not limited to, collusion and gaming) is, as far as possible, excluded before and during the auction;</li> <li>- ensure that the computer software to be used in the auction implementation allows to generate an accurate audit trail report and that such data reports, if required by Agency, is suitable for publication.</li> </ul> <p>5. The Selected Consultant shall organize workshops on the auction rules and procedures separate for Agency staff involved in the auction process and separate for bidders.</p> <p>6. The Selected Consultant shall organize one live mock auction separate for Agency staff involved in the auction process and for each prospective bidder.</p>		
2	<p>Service of spectrum auction software (including appropriate licensing), other programs and software usage,</p>	<p><b>General requirements</b></p> <p>1. The Selected Consultant shall ensure the use of appropriate software for the implementation of the public bidding procedure, by means of electronic spectrum auction, CCA (Combinatorial "Clock" Auction) model, in accordance with the rules to be adopted by the Agency, as the auctioneer.</p>	set	1

<p>including the server for software performance and preparation of relevant documentation and specifications</p>	<p>2. Auction software shall enable electronic submission and processing of products in all auction stages, as well as the determination of the winning bid and the amount of auction fees to be paid by winners, in accordance with rules adopted by the CCA auction model.</p> <p>3. The Selected Consultant shall provide all of the necessary auction algorithms and verification of the auction results, computer software and hardware, including servers, intellectual property licenses, as well as other materials and equipment necessary for the fulfillment of specified requirements.</p> <p>4. The Agency does not require to obtain a permanent intellectual property rights to the auction software. The Selected Consultant shall provide a license to use the software by the Agency and the relevant third parties (the bidders in the tender and any person engaged by the Agency to verify the outcome of the public bidding).</p> <p>5. During the bidding process, the auction software servers shall be located at the headquarters of the Agency in Podgorica.</p> <p>6. The Selected Consultant shall, in a separate document, provide a description of auction software, taking into account the rules to be adopted by the Agency, as well as description of the algorithms for determining the winning bid and the amount of auction fees to be paid by winners. In addition, the Selected Consultant shall provide the specification of computer and other equipment and softwares needed for the implementation of the auction procedure and verification of results.</p> <p>7. The Selected Consultant shall provide the validation of the auction algorithms implemented, auction rules and other applied computer softwares.</p> <p>8. The Selected Consultant shall</p>	
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provide a detailed security plan as well as detailed plan for preventing violations of auction rules and unfair competition.

9. The auction software shall enable functionality to generate an accurate and complete report on the progress of the auction process (audit trail report), which is suitable for publication by the Agency and independent verification.

10. The auction software shall be designed to provide overall information security, including, but not limited, to the process of bidder authentication, data security, fraud protection, backup/retrieve procedures etc.

11. If the Agency at any stage of preparation of the public bidding for the allocation of radio frequencies decides to apply any other standard model of the spectrum auctions (exp. SMRA or Sealed bids auction), the Selected Consultant shall provide software and overall support for the implementation of the procedure by means of that model.

**Specific requirements**

1. As a minimum, the software solution shall include hosting, operation, support, availability, security facilities (encryption, backup, access control, logging, etc.) as well as uptime. In case fault repair is needed during the auction in progress, it must be possible to restart the auction process as soon as fault free continuation is proven. The auction process shall continue from the time when the last completed auction round took place.

2. During the auction process, software needs to store data exchanged between bidders, the auction system and activities of the Agency as an auctioneer, in a database, in a way that allows a detailed review after completion of the auction process. The data should be stored in a safe manner.

The Selected Consultant is required to submit to the Agency a copy of the original database.

3. The auction software should be capable of distributing common indication of time, which may be accessed by the Agency and all bidders in the public bidding procedure and that has to be synchronized with each bidding round.

4. Given that the CCA model is planned to be used, the system must ensure that after each auction round, the following information is available to the Agency as an auctioneer: the number of active bids, the size and placing of bids, the names of the parties who submitted bids. It must also be possible to follow the bids received, both as a percentage increase and as a bid sum increase. The auction software must display the running auction process graphically. When the auction has been completed, the name of the winning bidders and the amount of the winning bids must be communicated electronically to the Agency. It is important that the integrity of the communication between all parties involved must be maintained from the beginning to the end. Integrity implies security that a message in its present form is identical to the content it had at the time of origin.

5. A web-based interface must be established for the information to be provided to bidders. The site shall contain the information that Agency decides to publish. Such information might be: excess demand, a currently updated list of the highest bids and the number of active bids. Agency's logo must be clearly displayed on the site.

6. The auction software must be Web based means that the bidders can use the software as an Internet application reserved for registered bidders with special access to the software. The auction software must be easily accessible to the bidders and the

Selected Consultant shall provide a description of how bidders get access to the auction software, including a description of security aspects of this connection.

7. The auction software must be able to function on a standard platform that will be implemented on IT infrastructure provided by the Selected Consultant, which will during the auction, be located at the Agency's headquarters in Podgorica.

8. The auction software must be able to work even in the event of termination of the internal network of the Agency in the specific period.

### **Interfaces**

The data sets presented on the interfaces will be decided with the Selected Consultant. The interfaces have to be in Montenegrin and in English language. The following interfaces are required:

- Interfaces for the Agency – The Selected Consultant shall, in order to implement, control and / or monitoring of the auction process and presentation of the auction results, provide the following interfaces for the Agency: the interface for the implementation of public bidding (auctioneer interface), and the viewing interface (observer interface). Implemented solution must allow the Agency to connect with at least three different terminals (one terminal on the auctioneer interface and two terminals in the observer interface). However, it is required that, at any moment, at least one active connection is supported (auctioneer interface) with one of the three terminals. For purposes of redundancy, for any observer terminal, it has to be possible to switch from observing interface on the auctioneer interface.

- Interface for the bidders - The Selected Consultant shall provide reliable communication interface for all bidders in auction, which will

simultaneously distribute information to all bidders. It must be possible to run the bidder interface on industry standard personal computer hardware and operating systems and/or standard web-browsers. There must be a possibility for bidders to use the bidder interface over a standard internet connection over the public Internet. The Selected Consultant must provide results of each auction round to bidders in the form of a text file or information in another format that is commonly used to download. The successful tenderer/consultant must provide the bidders with the result of each auction round as a text file or information in another format that is commonly used to download. The purpose of this is to allow bidders to post-process and analyze the auction data between each round.

**Authentication and security**

1. The auction software shall provide correct identification of the Agency as an auctioneer and a bidder in a public tender (authenticity) and to verify the correctness of the information sent (integrity over the public Internet).
2. The authentication solution shall allow the bidder to connect from at least two different terminals. It is however required to support only one active connection from one of the terminals at each instance in time.
3. The Selected Consultant shall provide a strong encryption solution for protecting the secrecy of the bid over the public Internet.

**Reliability requirements**

1. The Selected Consultant shall provide an implementation of the auction system with functional redundancy. In the case of an infrastructure or software failure that falls within the Selected Consultant's responsibility, it must be possible to

reset the system to the system state after the last completed auction round. Restarting has to be enabled from the point of the last completed auction round in reasonable time, after clarification of the reason for the incurred failure.

2. Connections over the public Internet to the bidders that are outside the control of the Selected Consultant are not within the scope of the reliability requirements. Also, any bidders' IT infrastructure problems are not within the scope of the reliability requirements, with the exception of reliability problems that can be traced back to the bidder interface functionality that is provided by the Selected Consultant.

**Traceability of auction process**

1. The Selected Consultant shall store interactions during the auction process between the bidders, the system and the Agency as auctioneer, in a database so that a complete, detailed audit trail can be ensured after the end of auction process. The information shall be securely stored by the Selected Consultant and made available to the Agency.

2. At least the following information have must be stored:

- The user identity, content and timestamp of all information that is sent from the bidders' interface,

- The user identity, content and timestamp of all information that is received by the system from the bidders.

- The user identity, content and timestamp of all information that is sent to the bidders' interface

- The user identity, content and timestamp of all information that is entered into the system by the Agency as auctioneer.

3. Recorded data should allow an independent audit of the entire process and the auction results.

		<p>4. Mora postojati mogućnost da se gore navedene informacije obezbijede Agenciji u formi tekst dokumenta. Na zahtjev Agencije, ponuđač mora Agenciji obezbijediti dokument iz originalne baze podataka. Agencija takođe može zahtijevati da se obezbijedi grafička prezentacija cjelokupnog nadmetanja, sa informacijom o statusu svakog kruga, aktivnostima ponuđača u svakom krugu, trenutnoj visini ponuda itd.</p> <p>5. It must be possible to provide the information above to Agency in the form of a standard text file. The Selected Consultant shall, at the request of Agency, provide the original database file to Agency. Agency might also request a graphical presentation of the entire auction to be provided, with information on status for each round, bidders' actions in each round, standing high bids, etc.</p> <p><b>Testing procedures for auction software</b></p> <p>1. The Selected Consultant shall provide and organize testing auctions for Agency's staff responsible for the auction implementation and accordingly the on-site instructions for use, prior to the final auction. It is also required to provide the whole solution to pass security testing.</p>		
3	Service of assistance provision throughout auction implementation process	<p>1. The Selected Consultant shall provide assistance to Agency throughout auction implementation process (hereinafter: conduct of auction), including but not limited to addressing any queries raised in relation to the implementation of the auction software.</p> <p>2. The Selected Consultant is requested to assist Agency in conduct of auction which shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>- Provision of all necessary preconditions for successful conduct of auction;</li> <li>- Technical performance of the</li> </ul>	auction day	15



		<p>auction procedure, including the handling of bids to be submitted and all other issues related to the successful conduct of auction;</p> <ul style="list-style-type: none"> <li>- The presence of Selected Consultant experts at Agency's premises and assistance in all auction related matters, during the entire time of conduct of auction, if necessary;</li> <li>- Analysis of the received bids, in order to determine the results of each auction stage;</li> <li>- Safety notification of results to be submitted to the Agency in the final part of each relevant stage and providing report on the progress of the auction process (audit trail report), by which Agency can verify the results of each auction stage. A report on the progress of the auction process (audit trail report) should be prepared in a format that is suitable for use by third parties and that allows independent verification;</li> <li>- Provide the results of auction available to each bidder in the appropriate form;</li> <li>- Reporting to the Agency any suspected violation of auction rules, without delay, in a detailed manner and provide assistance to Agency in all dealings that may be taken in respect of such offenses;</li> <li>- Documenting all log files and database of all actions during the auction until the conclusion of the auction, including the notification of the auction results in the form of a final report to be submitted to the Agency and providing reports on the progress of the auction process (audit trail report) on the basis of which the Agency can confirm the results of the all auction stages, as well as the final result of the auction, including a security report.</li> </ul>		
4	Service of Final Report, Audit Trail Report, Security Report	1. After conclusion of the auction, the Selected Consultant is required to: document all log files and database of all actions during the auction until the	set	1

	and other documentation related to the auction preparation	<p>conclusion of the auction, to prepare: the Final Report on the progress of the auction process, Audit Trail Report, on the basis of which the Agency can confirm the results of the all auction stages, as well as the final result of the auction and Security Report.</p> <p>2. The specific nature of each report required to be provided by the Selected Consultant will be detailed by Agency with Selected Consultant. In relation to these reports, it is required to submit:</p> <ul style="list-style-type: none"> <li>- All reports in Adobe PDF format;</li> <li>- A back-up electronic copy of the reports on an appropriate electronic storage device and</li> <li>- a printed and signed copy of each document.</li> </ul> <p>Reports and other documentation shall be delivered in Montenegrin or English language.</p>		
5	Service of assistance provision after conclusion of the auction	At the request of Agency, the Selected Consultant shall assist the Agency in any other tasks associated with any review or verification process after conclusion of the auction, including to assist the Agency in any legal proceedings involving the Agency in connection with the present process of public bidding	consultation day	5

The bidder is requested to submit, as part of the bid, a description of working method for the provision of consulting services, according to each of above indicated items (maximum 3 pages of typed text).

The selected consultant shall take into account that at least six Agency's officers will take part in the preparation and implementation of the planned public bidding procedure for awarding approvals for the use of radio-frequency.

The bidder shall bear the cost of the benefits of using patents and is responsible for breach of protected intellectual property rights of third parties.

**STATEMENT OF THE CONTRACTING AUTHORITY ABOUT  
REGULAR PAYMENT OF DUE PUBLIC PROCUREMENT  
LIABILITIES <sup>1</sup>**

Agency for Electronic Communications and Postal Services

No: 0102-2741/3

Place and date: Podgorica, 20th May 2015

Pursuant to Article 49, paragraph 1 of the Law on Public Procurement («Official Gazette of Montenegro», No. 42/11 and No. 57/14 ), Zoran Sekulić, executive director, representing the Agency for Electronic Communications and Postal Services declares the following:

**S t a t e m e n t**

that the Agency for Electronic Communications and Postal Services, in accordance with Public procurement plan, reference number: 0102-430/4 from 17th May 2015 and Public Procurement Contract, shall perform regular payment of due public procurement liabilities, according to the established schedule.

Legal representative of the Contracting Authority

Zoran Sekulić

\_\_\_\_\_  
*(personal signature)*

M.P.

<sup>1</sup> Signed statement is included in public procurement documentation prepared by contracting authority and represents the component of public procurement contract

**STATEMENT OF THE CONTRACTING AUTHORITY (LEGAL REPRESENTATIVE, PUBLIC PROCUREMENT OFFICER AND PERSONS INVOLVED IN PLANNING OF THE PUBLIC PROCUREMENT) ON NON-EXISTENCE OF THE CONFLICT OF INTEREST<sup>2</sup>**

Agency for Electronic Communications and Postal Services  
No: 0102-2741/4  
Place and date: Podgorica, 20th May 2015

Pursuant to Article 16, paragraph 5 of the Law on Public Procurement («Official Gazette of Montenegro», No. 42/11 and No. 57/14 ), I declare the following:

**S t a t e m e n t**

that in the public procurement procedure from the Public procurement plan, reference number: 0102-430/4 from 17th May 2015, for the procurement of consulting services for the preparation and conduction of public bidding procedure for awarding approvals for the use of radio frequencies in the bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz, for the implementation of public mobile electronic communication networks, by means of spectrum auction, I am not in a conflict of interest within the meaning of Article 16, paragraph 4 of the Law on Public Procurement and that there is no economic or other personal interest that may compromise my objectivity and impartiality of the procurement procedure.

Legal representative of the Contracting Authority: Zoran Sekulić \_\_\_\_\_  
(personal signature)

Public procurement officer: Snežana Spasojević \_\_\_\_\_  
(personal signature)

Persons involved in planning of the public procurement:

Šaleta Đurović \_\_\_\_\_  
(personal signature)

Branko Kovijanić \_\_\_\_\_  
(personal signature)

Aleksandar Mijač \_\_\_\_\_  
(personal signature)

Ana Radonjić \_\_\_\_\_  
(personal signature)

Milica Vukotić \_\_\_\_\_  
(personal signature)

<sup>2</sup> Signed statement is included in public procurement documentation prepared by contracting authority

**STATEMENT OF THE CONTRACTING AUTHORITY (MEMBERS OF THE COMMITTEE FOR OPENING AND EVALUATION OF BIDS, PERSONS PARTICIPATING IN THE PREPARATION OF TENDER DOCUMENTATION) ON NON-EXISTENCE OF THE CONFLICT OF INTEREST<sup>3</sup>**

Agency for Electronic Communications and Postal Services

No: 0102-2741/5

Place and date: Podgorica, 20th May 2015

Pursuant to Article 16, paragraph 5 of the Law on Public Procurement («Official Gazette of Montenegro», No. 42/11 and No. 57/14 ), I declare the following:

**S t a t e m e n t**

that in the public procurement procedure from the Public procurement plan, reference number: 0102-430/4 from 17th May 2015, for the procurement of consulting services for the preparation and conduction of public bidding procedure for awarding approvals for the use of radio frequencies in the bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz, for the implementation of public mobile electronic communication networks, by means of spectrum auction, I am not in a conflict of interest within the meaning of Article 16, paragraph 4 of the Law on Public Procurement and that there is no economic or other personal interest that may compromise my objectivity and impartiality of the procurement procedure.

Members of the Committee for opening and evaluation of bids:

Ljiljana Pešalj	_____
	<i>(personal signature)</i>
Snežana Spasojević	_____
	<i>(personal signature)</i>
Elvis Babačić	_____
	<i>(personal signature)</i>

Persons participating in the preparation of tender documentation:

Boris Jevrić	_____
	<i>(personal signature)</i>
Bojan Ivanović	_____
	<i>(personal signature)</i>
Ana Vukčević	_____
	<i>(personal signature)</i>
Dražen Mugoša	_____
	<i>(personal signature)</i>

<sup>3</sup> Signed statement is included in public procurement documentation prepared by contracting authority

## METHODOLOGY FOR THE EVALUATION OF BIDS ACCORDING TO CRITERIA AND SUB-CRITERIA

**Evaluation of bids according to criteria economically most favourable bid shall be performed as follows:**

- 1) **sub-criteria the lowest offered price** shall be valued as follows:

*The maximum number of points under this sub-criteria is 40.*

The bidder who offers the lowest price is awarded the maximum points, while other bidders receive a proportional number of points in relation to the lowest offered price, that is, according to the formula:

**Number of points = (the lowest offered price / offered price) x 40.**

- 2) **sub-criteria quality** shall be valued as follows:

*The maximum number of points under this sub-criteria is 60.*

Sub-criteria quality shall be evaluated through the following four indicators.

**Indicator I:** A number of successfully completed multiband spectrum auctions for mobile communication networks in the CCA format, conducted in Member State of CEPT, where the leader of consulting team participated as a support to the administration competent for the radio-frequency spectrum management, in the last 5 years.

*The maximum number of points under this indicator is 18.*

Participation in the maximum of 5 described spectrum auction, shall be evaluated.

Participation in the spectrum auction shall be proved by submitting the relevant certificate issued by the organizer of auctions, which unambiguously confirm participation for the proposed team leader in the spectrum auction described above as a leader or as a member of the consulting team. The certificate must contain details of a contact person (name, e-mail address and telephone number) from the entity that issued a certificate. In case of doubt, the Contracting Authority may contact the entity that issued the certificate for clarification or verifying the same.

The bidder offering consulting team leader who participated as a team leader in 5 auctions described above, is awarded by the maximum number of points, while other bidders are awarded by points according to the formula:

**Number of points = ((number of certificates as a team leader + 0.75 x number of certificates as a team member) / 5) x 18,**

**number of certificates as a team leader** - is representing number of certificates confirming participation of the proposed team leader in the auctions described above, as a leader,

**number of certificates as a team member** - is representing number of certificates confirming participation of the proposed team leader in the auctions described above, as a member.

**Indicator II:** A number of successfully completed multiband spectrum auctions for mobile communication networks in the CCA format, conducted in Member State of CEPT, where the member of consulting team participated as a support to the administration competent for the radio-frequency spectrum management, in the last 5 years.

*The maximum number of points under this indicator is 24.*

Participation in the maximum of 5 described spectrum auction, shall be evaluated.

Participation in the spectrum auction shall be proved by submitting the relevant certificates issued by the organizer of auctions, which unambiguously confirm participation for the proposed team member in the spectrum auction described. The certificate must contain details of a contact person (name, e-mail address and telephone number) from the entity that issued a certificate. In case of doubt, the Contracting Authority may contact the entity that issued the certificate for clarification or verifying the same.

The bidder offering two required team members, other than team leader, each participated in 5 auctions described above, is awarded by the maximum number of points, while other bidders are awarded by points according to the formula:

**Number of points** = ((**number of certificates for the 1st team member** / 5) + (**number of certificates for the 2nd team member** / 5)) x 12,

**number of certificates for the 1st team member** - is representing number of certificates confirming participation of the proposed first team member in the auctions described above,

**number of certificates for the 2st team member** - is representing number of certificates confirming participation of the proposed second team member in the auctions described above.

**Indicator III:** Number of successfully completed multiband spectrum auctions for mobile communication networks in another format, conducted in Member State of CEPT, where any member of consulting team participated as a support to the administration competent for the radio-frequency spectrum management, in the last 5 years.

*The maximum number of points under this indicator is 9.*

Participation in the maximum of 5 described spectrum auction, shall be evaluated.

Participation in the spectrum auction shall be proved by submitting the relevant certificates issued by the organizer of auctions, which unambiguously confirm participation for the proposed team member in the spectrum auction described. The certificate must contain details of a contact person (name, e-mail address and telephone number) from the entity that issued a certificate. In case of doubt, the Contracting Authority may contact the entity that issued the certificate for clarification or verifying the same.

The bidder offering consulting team members (including the leader) who participated in total of 5 auctions described above, is awarded by the maximum number of points, while other bidders are awarded by points according to the formula:

**Number of points** = ((**number of certificates for any team member** / 5) x 9,

**number of certificates for any team member** - is representing cumulative number of certificates confirming participation of any team member (including leader) in the auctions described above.

**Indicator IV:** Number of successfully completed multiband spectrum auctions for mobile communication networks in the CCA format, conducted in Member State of CEPT, where any member of consulting team participated as a support to the bidder in auction, in the last 5 years.

*The maximum number of points under this indicator is 9.*

Participation in the maximum of 5 described spectrum auction, shall be evaluated.

Participation in the spectrum auction shall be proved by submitting the relevant certificates issued by the organizer of auctions, which unambiguously confirm participation for the proposed team member in the spectrum auction described. The certificate must contain details of a contact person (name, e-mail address and telephone number) from the entity that issued a certificate. In case of doubt, the Contracting Authority may contact the entity that issued the certificate for clarification or verifying the same.

The bidder offering consulting team members (including the leader) who participated in total of 5 auctions described above, is awarded by the maximum number of points, while other bidders are awarded by points according to the formula:

**Number of points** = ((**number of certificates for any team member** / 5) x 9,

**number of certificates for any team member** - is representing cumulative number of certificates confirming participation of any member (including leader) in the auctions described above.

If the offered price is equal to 0.00 EUR, it will be valued according to criteria and sub-criteria the lowest offered price as 0.01 EUR.



**FORM OF THE BID TO BE PREPARED BY THE BIDDER**

**COVER PAGE OF THE BID**

\_\_\_\_\_ *(name of the bidder)*

submits to

Agency for Electronic Communications and Postal Services

**B I D**

**According to Tender documentation No 0102-2741/6 from 20<sup>th</sup> May 2015  
for the procurement of**

consulting services  
for the preparation and conduction of public bidding procedure for awarding  
approvals for the use of radio-frequencies in the bands 800 MHz, 900 MHz,  
1800 MHz, 2 GHz and 2.6 GHz, for the implemetation of public mobile  
electronic communication networks,  
by means of spectrum auction

**FOR**

Procurement subject as a whole.

<b>INFORMATION ABOUT THE BID AND THE BIDDER</b>
---

**The bid is submitted as:**

- Individual bid
- Individual bid with sub-provider/sub-contractor
- Joint bid
- Joint bid with sub-provider/sub-contractor

**Information about individual bidder:**

Name and headquarter of bidder	
Tax identification number <sup>4</sup>	
Bank account number and name of the bank	
Address	
Telephone	
Fax	
E-mail	
Person/s authorized for signing the financial part of the bid and documents in the bid	<i>(Name, surname and function)</i>
	<i>(Signature)</i>
Contact person	

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<sup>4</sup> Or national identification number according to the country where the bidder is seated

**Information about sub-contractor/sub-provider for the individual bid<sup>5</sup>**

Name of sub-contractor/sub-provider	
Tax identification number <sup>6</sup>	
Authorized person	
Address	
Telephone	
Fax	
E-mail	
The percentage of the total value of public procurement to be executed by sub-contractor/sub-provider	
Description of public procurement part to be executed by sub-contractor/sub-provider	
Contact person	

<sup>5</sup> This table shall be completed only for the individual bid with sub-contractor/sub-provider, and if there are few of them, table has to be copied and completed in a sufficient number of copies, for each sub-contractor/sub-provider.

<sup>6</sup> Or national identification number according to the country where the bidder is seated

**Information about the bidder submitting the joint bid<sup>7</sup>**

Name of the bidder submitting the joint bid	
Address	
Person authorized for signing the financial part of the bid and draft contract	<i>(Name and surname)</i>
	<i>(Signature)</i>
Names and professional qualifications for persons responsible for the contract execution	
	....

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<sup>7</sup> Table "Information about the bidder submitting the joint bid" shall be completed only by those bidders who submit joint bid. Bidder who submits joint bid shall complete tables "Information about joint bid leading bidder" and "Information about joint bid member"

**Information about joint bid leading bidder:**

Name of joint bid leading bidder	
Tax identification number <sup>8</sup>	
Bank account number and name of the bank	
Address	
Person authorized for signing documents related to joint bid leading bidder	<i>(Name, surname and function)</i>
	<i>(Signature)</i>
Telephone	
Fax	
E-mail	
Contact person	

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<sup>8</sup> Or national identification number according to the country where the bidder is seated

**Information about joint bid member<sup>9</sup>:**

Name of joint bid member	
Tax identification number <sup>10</sup>	
Bank account number and name of the bank	
Address	
Person authorized for signing documents related to joint bid member	<i>(Name, surname and function)</i>
	<i>(Signature)</i>
Telephone	
Fax	
E-mail	
Contact person	

---

<sup>9</sup> Table "Information about joint bid member" has to be copied in a sufficient number of copies and completed for each joint bid member

<sup>10</sup> Or national identification number according to the country where the bidder is seated

**Information about sub-contractor/sub-provider for the joint bid<sup>11</sup>**

Name of sub-contractor/sub-provider	
Tax identification number <sup>12</sup>	
Authorized person	
Address	
Telephone	
Fax	
E-mail	
The percentage of the total value of public procurement to be executed by sub-contractor/sub-provider	
Description of public procurement part to be executed by by sub-contractor/sub-provider	
Contact person	

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<sup>11</sup> Table "Information about sub-contractor/sub-provider for the joint bid" shall be completed only by those bidders who submit joint bid with sub-contractor/sub-provider, and if there are few sub-contractors/sub-providers, table has to be copied in a sufficient number of copies and completed for each sub-contractor/sub-provider.

<sup>12</sup> Or national identification number according to the country where the bidder is seated



**FINANCIAL PART OF THE BID**

r.b.	Description of subject	Important characteristics of subject offered in procurement	Unit of measure	Quantity	Unit price without VAT	Total price without VAT	VAT	Total price with VAT included
1	Consultation service for the preparation of public bidding procedure		set	1				
2	Service of spectrum auction software (including appropriate licensing), other programs and software usage, including the server for software performance and preparation of relevant documentation and specifications		set	1				
3	Service of assistance provision throughout auction implementation process		auction day	15				
4	Service of Final Report, Audit Trail Report, Security Report and other documentation related to the auction preparation		set	1				
5	Service of assistance provision after conclusion of the auction		consultation day	5				
Total without VAT								
VAT								
Total price with VAT:								
1) by numbers								
2) by words								

**Requirements of the bid:**

Time limit for contract execution	
Place for contract execution	
Payment deadline	
Payment method	
Bid validity period	

Authorised person of the bidder

\_\_\_\_\_  
*(name, surname and function)*

\_\_\_\_\_  
*(personal signature)*

M.P.

<b>CONSULTING TEAM MEMBERS</b>
--------------------------------

For the provision of consulting services subject to this public procurement, the following experts shall be engaged:

<b>Ref. no.</b>	<b>Surname and name</b>	<b>Profession</b>	<b>Function in the team</b>	<b>Engagement by /type of engagement</b>
1			leader	
2			member	
3			member	
...				

Authorised person of the bidder

\_\_\_\_\_  
*(name, surname and function)*

\_\_\_\_\_  
*(personal signature)*

M.P.

**STATEMENT OF INDEPENDANCE IN RELATION TO THE INTERESTS OF THE  
ELECTRONIC COMMUNICATION MARKET IN MONTENEGRO**

\_\_\_\_\_ *(the bidder)*

**No:** \_\_\_\_\_

**Place and date:** \_\_\_\_\_

On behalf of the bidder \_\_\_\_\_ *(name, surname and function)*, as a legal representative, declare the following:

**S t a t e m e n t**

that the bidder \_\_\_\_\_ *(bidders' name)* is independent of the interests of the electronic communications market in Montenegro and shall not have any business or contractual relations with mobile operators in Montenegro, which are in any way connected with the planned public bidding procedure for awarding approvals for the use of radio frequencies.

Authorised person of the bidder

\_\_\_\_\_  
*(name, surname and function)*

\_\_\_\_\_  
*(personal signature)*

M.P.

**STATEMENT ON NON-EXISTENCE OF THE CONFLICT OF INTEREST ON THE  
SIDE OF THE BIDDER, JOINT BID APPLICANT, SUB-PROVIDER/SUB-  
CONTRACTOR<sup>13</sup>**

\_\_\_\_\_ (the *bidder*)

No: \_\_\_\_\_

Place and date: \_\_\_\_\_

Authorized person of the bidder/joint bid member bidder, sub-provider / sub-contractor  
\_\_\_\_\_ (name, surname and function), pursuant to Article 17, paragraph 3 of the Law on  
Public Procurement («Official Gazette of Montenegro», No. 42/11 and No. 57/14 ), declare  
the following:

**S t a t e m e n t**

that is not in a conflict of interest with persons of the Contracting Authority listed in  
statements on non-existence of the conflict of interest on the side of Contracting Authority,  
which are an integral part of the relevant Tender Documentation No.0102-2741/6 from 20th  
May 2015, for the procurement of consulting services for the preparation and conduction of  
public bidding procedure for awarding approvals for the use of radio frequencies in the bands  
800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz, for the implemetation of public mobile  
electronic communication networks, by means of spectrum auction, within the meaning of  
Article 17, paragraph 1 of the Law on Public Procurement and that there are no grounds for a  
conflict of interest on the side of this bidder, within the meaning of Article 17, paragraph 2 of  
the same law.

Authorised person of the bidder

\_\_\_\_\_  
(name, surname and function)

\_\_\_\_\_  
(personal signature)

M.P.

<sup>13</sup> Statement on non-existence of the conflict of interest on the side of bidder, joint bid applicant, sub-provider/sub-contractor, has to be submitted for each joint bid member bidder, for each sub-contractor-subprovider

**EVIDENCES ON FULFILLMENT OF THE MANDATORY  
CONDITIONS FOR PARTICIPATION IN THE PUBLIC  
PROCUREMENT PROCEDURE**

Submit the following:

- the proof of registration issued by the competent registration authority, including authorized persons data;
- certificate of the tax administrative authority that all liabilities regarding the payment of taxes and contributions for the period of 90 days prior to the public bid opening were duly effected, in accordance with the regulations of Montenegro or regulations of the country in which the bidder has its headquarters;
- certificate or other document issued by the competent authority on the basis of information from criminal records, not older than six months preceding the public bid opening, that the bidder or his legal representative has not been legally convicted for any of the criminal offenses of organized crime with elements of corruption, money laundering and fraud.

## DRAFT CONTRACT ON THE PUBLIC PROCUREMENT

This Contract is concluded between:

**The Contracting Authority: Agency for Electronic Communications and Postal Services**, seated in Podgorica, Boulevard George Washington no.56, VAT ID 02326710, account no. 510-2125-67, Crnogorska Komercijalna Banka A. D. Podgorica, represented by Zoran Sekulić, executive director, (hereinafter: The Contracting Authority)

and

**The Bidder** \_\_\_\_\_, seated in \_\_\_\_\_, company registration no. \_\_\_\_\_, bank account no. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, represented by \_\_\_\_\_, (hereinafter: The Provider),

hereby enter into the Contract, as follows.

### LEGAL BASIS OF THE CONTRACT:

Tender documentation to the open public procurement for the procurement of consulting services for the preparation and conduction of public bidding procedure for awarding approvals for the use of radio frequencies in the bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz, for the implemetation of public mobile electronic communication networks, by means of spectrum auction, No. 0102-2741/6 from 20th May 2015 (hereinafter: Tender documentation);

Decision of the most favourable bid, no. \_\_\_\_\_ from \_\_\_\_\_;

The Bid of the bidder \_\_\_\_\_ no. \_\_\_\_\_ from \_\_\_\_\_.

### I SUBJECT OF THE CONTRACT

#### Article 1

The subject of this Contract shall be consulting services for the preparation and conduction of public bidding procedure for awarding approvals for the use of radio frequencies in the bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz, for the implemetation of public mobile electronic communication networks, by means of spectrum auction, in accordance with Tender documentation and Decision of the most favourable bid no. \_\_\_\_\_ from \_\_\_\_\_. 2015 and in accordance with the bidders' Bid.

#### Article 2

The Provider undertakes to provide the services specified in Article 1 of this Agreement, all in accordance with the accepted Bid no \_\_\_\_\_ from \_\_\_\_\_ 2015, which forms an integral part of the Contract.

### II CONTRACT VALUE AND TERMS OF PAYMENT

#### Article 3

Total price for the execution of the services indicated in Article 1 of this contract is € \_\_\_\_\_ (in words: \_\_\_\_\_), with VAT included.

Price referred to in paragraph 1 of this Article covers the execution of the following individual services:

- consultation service for the preparation of public bidding procedure,
- Service of spectrum auction software (including appropriate licensing), other programs and software usage, including the server for software performance and preparation of relevant documentation and specifications,
- Service of assistance provision throughout auction implementation process, for the 15 auction days.
- Service of Final Report, Audit Trail Report, Security Report and other documentation related to the auction preparation,
- Service of assistance provision after conclusion of the auction, for the 5 consultation days.

The final calculation of price for the services referred to in line 3 and 5 of paragraph 2 of this Article shall be carried out in accordance with the actual extent to which they are executed (number of realized auction or consulting days), according to the offered unit price.

The Provider undertakes, in case of need, at the request of the Contracting Authority, the services from line 3 and 5 of paragraph 2 of this Article, to provide to the extent of more than 15 auction days for the service referred to in line 3 or more than 5 days of consulting service under line 5, according to the unit prices offered.

On the basis of the certificate that the individual service is executed issued by the Contracting Authority, the Provider shall issue an invoice, according to the provision of services, signed by an authorized person, to the amount of the value of the services provided, with VAT included. The invoice shall contain the reference number of the contract for which the payment is made.

The Contracting Authority undertakes to perform the payment within 7 (seven) days after the receipt of the invoice on the bank account \_\_\_\_\_ of the bank \_\_\_\_\_ after finalisation of each individual service.

In order to secure payment in the manner specified in paragraph 1 of this Article, the Contracting Authority shall guarantee by the Statement of regular payment of due obligations, ensuring regular payment of public procurement. Statement forms an integral part of the Contract.

### **III PLACE AND TIME OF CONTRACT EXECUTION**

#### **Article 4**

Place for contract execution is Podgorica, Montenegro.

Time limit for contract execution is according to the framework schedule of activities, envisaged by the Contracting Authority, for the preparation and conduction of public bidding procedure for awarding approvals for the use of radio frequencies in the bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz, for the implementation of public mobile electronic communication networks, by means of spectrum auction, but not later than 18 (eighteen) months from the date of contract conclusion.

This Contract shall enter into force on the date it is signed by the last of the two Parties.



## **IV OBLIGATIONS OF THE CONTRACTING PARTIES**

### **Article 5**

The Provider undertakes to provide consulting services to the Contracting Authority in accordance with Tender documentation, which include individual services:

- consultation service for the preparation of public bidding procedure,
- Service of spectrum auction software (including appropriate licensing), other programs and software usage, including the server for software performance and preparation of relevant documentation and specifications,
- Service of assistance provision throughout auction implementation process,
- Service of Final Report, Audit Trail Report, Security Report and other documentation related to the auction preparation,
- Service of assistance provision after conclusion of the auction.

The Provider undertakes, within seven (7) days from the date of signing the contract to submit a bank performance guarantee, in the amount of 5% of the contract value with the validity of the 30 days longer than the execution of the contract referred to in Article 4 of this Contract.

### **Article 6**

The Contracting Authority undertakes:

- to introduce the Provider into the work, according to the adopted framework schedule of activities,
- to put at Providers' disposal all available data and results of the analyzes, as well as documents related to the planned public bidding procedure for awarding approvals for the use of radio frequency, previously prepared by the Contracting Authority,
- to provide facilities and technical conditions required for the performance of the contract.

## **V TERMINATION OF THE CONTRACT**

### **Article 7**

The Contracted Parties agree that termination of this Contract may occur if the Provider does not perform its obligations within the timeframe and in the manner envisaged in the Contract.

In case the Contract Authority determines that the quality of the services provided or the way they are provided, deviates from the desired or offered quality as determined in the Bid, the Contracting Authority undertakes to invite the Provider, in writing, record by jointly state the cause and extent of perceived failure, and attempt to remove them. If the Contracting Parties do not reach an agreement regarding the elimination of failures found, or the Provider does not respond to the invitation of the Contracting Authority, the Contracting Authority has the right to terminate the contract and demand compensation from the Provider.

## **VI ANTI-CORRUPTION CLAUSE**

### **Article 8**

The Contracting Parties undertake to take measures to prevent any acts of corruption during the implementation of the Contract. If it is determined that any contracting party undertakes acts of corruption contract shall be deemed null and void.

## VII OTHER PROVISIONS

### Article 9

The Provider and engaged members of the consulting team undertake not to have any formal or informal, direct or indirect contacts with representatives of the qualified bidders in the planned public bidding process for awarding approvals for the use of radio frequencies before and during spectrum auction, without the knowledge and consent of the Contracting Authority.

The Provider, his staff and engaged members of the consulting team, during the term of this Agreement, and within three (3) years after the expiry of the contract, undertake not to share any official or confidential information relating to this Contract, business and activities of the Contracting Authority, with third parties, without the prior written consent of the Contracting Authority.

### Article 10

Mutual rights and obligations not explicitly defined by this Contract shall be governed by the provisions of the law regulating obligational relationships and other applicable provisions regulating mutual obligations under this Contract.

In case of any dispute relating this Contract, the Contracting Parties shall seek a consensual solution.

If such solution is not found, the dispute shall be resolved by the competent court in Podgorica.

### Article 11

This Contract has been legally completed and signed by authorised legal representatives of the Contracting Parties, in 7 (seven) identical copies, of which 4 (four) copies shall be handed to the Contracting Authority and 3 (three) to the Provider.

CONTRACTING AUTHORITY

PROVIDER

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### AGREES WITH DRAFT CONTRACT

Authorized person of bidder \_\_\_\_\_  
(name, surname and function)

\_\_\_\_\_  
(personal signature)

*Note: Final text of the Contract shall be made in accordance with Article 107, paragraph 2 of the Law on Public Procurement Procurement ("Official Gazette", No. 42/11 and 57/14).*

# **INSTRUCTIONS TO BIDDERS ON HOW TO PREPARE, MARK AND SUBMIT THEIR BIDS**

## **1. METHOD OF PREPARATION OF BID IN A WRITTEN FORM**

### **Preparation of the bid**

For the purpose of participation in the public procurement, bidder prepare and submit a bid in accordance with this Tender documentation.

The bidder shall prepare the bid as a whole. Each first page of each sheet shall be labeled by page number and the total number of sheets included in the bid, and mark by seal, stamp or similar mark of the bidder.

Documents to be prepared by the bidder and which are an integral part of the bid must be personally signed by the authorized person of the bidder.

The bid shall be contacted with one red tape and sealed tightly with a red wax seal imprint, trademark or similar sign of the bidder on sealing wax, in a way that single sheets can not be subsequently inserted, removed or replaced, without damaging the sheet of the bid, red type or wax.

Sealing of the bid shall be done in a way that the solid sealing wax is dripped over the ends of red tape used to connect the bid, on which is printed a stamp, seal or similar sign of the bidder.

The bidder is obliged to prepare the bid on the forms of Tender Documentation with the possibility of his memorandum.

### **Preparation of the joint bid**

The bid may be submitted by a group of bidders (joint bid), who are jointly and severally responsible for the bid and the obligations of a public procurement contract.

The bidder who submit a bid independently may not simultaneously participate in a joint bid or as a sub-provider/sub-contractor of another bidder.

In case of joint bid, the bidder shall submit the contract on joint participation that: defines the leading bidder; allocates part of the procurement subject which will be implemented by each of the joint bid members and their share in the financial part of the bid; accepting unlimited liability for the bid and obligations from the contract on public procurement and regulate respective rights and obligations of the joint bid applicants (assigned by the applicant of a joint bid which will be the person authorized to sign the financial part of the bid, the draft agreement on public procurement, with stamp or similar mark that will verify these documents and mark every first page of each sheet of the bid; determine the applicant a joint bid, which would provide a guarantee of the bid and other means of financial security; determines the applicant a joint bid to issue and submit to the contracting authority bills / invoices and other documents for payment and on whose account the contracting authority will make payments, etc.). Agreement on joint participation can determine the name of the bidder.

Names and professional qualifications of the persons who will be responsible for the execution of public procurement contracts shall be indicated in the joint bid.

### **Preparation of the bid with sub-provider / sub-contractor**

The bidder may entrusts an execution of certain tasks from the public procurement, to sub-contractor or sub-provider.

Participation of all sub-contractors or sub-providers in the execution of public procurement cannot be more than 30% of the total value of the bid.

The bidder shall, at the request of the Contracting Authority, provide access to documentation of sub-contractors or sub-providers, or provide other evidence to determine fulfillment of requirements for participation in the public procurement.

The bidder shall be fully responsible to the Contracting Authority for the execution of the contracted procurement, regardless of the number of sub-contractors or subcontractors.

#### **Conflict of interest in preparing a joint bid and bid with sub-contractor / sub-provider**

In terms of Article 17, paragraph 1, item 6 of the Law on Public Procurement conflict of interest on the side of bidder exists if the entity in the same procurement procedure is participating as a member of several joint bids or as sub-contractors / sub-provider is participating in several bids.

#### **The form and manner of submitting evidence on fulfillment of conditions for participation in public procurement**

Evidence on fulfillment of conditions for participation in the public procurement and other evidence required by the Tender Documentation can be submitted in the original, certified copy, an uncertified copy or in electronic form.

The bidder whose bid is selected as the most favorable is obliged to deliver the original or a certified copy of proof of eligibility for participation in the procurement procedure, before concluding a public procurement contract.

If a bidder whose bid is selected as the most favorable does not deliver the original or a certified copy of proof of eligibility for participation in the procurement procedure, its offer will be considered incorrect.

In the case of the appeal proceedings the bidder whose credibility of evidence is disputed, shall be obliged to submit the original or a certified copy of disputed evidence, and if the bidder does not submit the original or a certified copy of disputed evidence, its offer will be considered incorrect.

The bidder may submit evidence of quality (certificates, licenses or other evidence of compliance with quality) issued by the competent authorities of the Member States of the European Union or other countries, as equivalent to evidence in accordance with the law and requirements of the public procurement. Bidders may submit proof of quality in a different form, if he provides proof of the fact that there is no possibility or right to ask for such evidence.

Evidences submitted in a language other than the language of the bid, shall be submitted in the language in which they were made and translated into the language of the bid by a certified court interpreter, except for the parts of the bid for which the Tender Documentation provided that can be delivered in a language other than the language of the bid.

#### **Evidences on fulfillment of conditions in the joint bid**

Each applicant in the joint bid shall demonstrate that it it meets the mandatory requirements, that is also registered by the authority responsible for the registration of business entities; it is duly fulfilled all the obligations arising from taxes and contributions in accordance with the law and regulations of the country of residence; that he or his legal representative has not been lawfully convicted for any of the criminal offenses of organized crime with elements of corruption, money laundering and fraud.

## **Means of financial securing – guarantees**

### **Manners to submit guarantees of the bid**

If a guarantee of the bid contains a clause that is valid if it is perforated, marked with a number and the seal, stamp or similar mark of the bidder, it shall be assigned, submitted and connected in the bid by red tape as other documents of the bid. In this way bank guarantee shall be signified, submitted and connected, along which a clause of the guarantee issuer is submitted as a separate document.

If a guarantee of the bid does not contain a clause that is valid if it is perforated, marked with a number and the seal, stamp or similar mark of the bidder, or if the separate document containing such a clause is not submitted along with the guarantee, then guarantee of the bid shall be submitted in double sheet transparent plastic foil in a way to insert a paper, along with the sheet of the guarantee, with printed serial number which marks the first list of guarantees and printed stamp, stamp or similar sign of the bidder and plastic film closes on each side so that a bid can not be subsequently inserted, removed or replaced.

Closing the plastic film can be done by red tape that connects the bid as whole document, in a way that will perforate the plastic film around the circumference of each side with at least two perforations through which a red tape which connects the bid shall be slipped, so that a bid may not be subsequently inserted, removed or replaced, and that the same cannot be visibly damaged, or the red tape by which plastic film is closed and which bounds the bid or sealing wax which sealed bids.

### **Common conditions for the guarantee of the bid and sources of contract financial securing**

Guarantee of the bid and sources of contract financial securing can be issued by a bank, insurance company or other organization that is by law or under the law authorized for the provision of guarantees.

The guarantee and the financial means of securing public procurement contracts must specify the number and date of the tender documentation relevant to the bid, the amount on which the guarantee is given, and that is unconditional and payable on the first call of the Contracting Authority after the occurrence of reasons to which it relates.

### **The way of expressing the price offered**

The bidder shall submit a bid with a price / ies in EUR, with separately presented VAT, in the manner prescribed by form "financial part of the bid" which is an integral part of the Tender documentation.

The offered price shall include all costs and discounts on the total offered price, with separately presented VAT, in accordance with the law.

Offered price/s shall be writteb by numbers, and the total price by numbers and letters. In the event of discrepancies between the total cost of these numbers and letters, the price expressed in words in significant.

Offered price/s shall be expressed to the whole subject of public procurement.

If the price of the most favorable bid is at least 30% less compared to the average price of all valid bids, such bidder is obliged, at the Contracting Authority's request, to submit an explanation in accordance with the Law on Public Procurement ("Official Gazette" 42/11 and 57/14 ).

### **Draft contract on public procurement**

As part of the bid, the bidder shall submit Draft Contract on the Public Procurement signed by an authorized person, at the location designated for the approval of the same.

### **Timeliness of the bid**

The bid is timely submitted if it is delivered to the Contracting Authority prior to the deadline set for the submission of bids that is specified in the Tender documentation.

### **Validity period of the bid**

Validity period of the bid shall not be shorter than the period defined in the Invitation.

Upon the expiration of the bid validity Contracting Authority may, in writing, to require bidders to extend the validity period until a specified date. If the bidder rejects the request for extension of the offer shall be deemed to have withdrawn the bid. The bidder who accepts the request for the extension of the bid validity can not changed the same.

### **Clarification of Tender documentation**

The interested party has the right to require clarification of the Tender documentation within 22 days from the date of publication, in accordance Article 56, paragraph 2 of the Law on Public Procurement ("Official Gazette" 42/11 and 57/14 ).

The request for clarification of the Tender documentation shall be submitted in writing (mail, fax, e-mail ...) to address of the Contracting Authority.

Clarification of Tender documentation is an integral part of the tender documentation.

The Contracting Authority shall deliver the clarification to the applicant of request and publish it on the Public Procurement Portal, within three days of receipt of the request.

### **The method of bid delivery**

The bid shall be submitted in an appropriate closed cover (envelope, package, etc.). Name and headquarters of the Contracting Authority, the number of the invitation to tender and text with a note: "Do not open before the public opening of bids," shall be printed at one end of the bid closed cover, name, address, the name and address of bidder shall be printed at the another part of the bid closed cover.

In the event of a joint bid, the cover is necessary to indicate that it is a joint bid and bidders state the full name and address to which the bid will be returned in the event that it is untimely.

## **2. AMANDMENTS TO THE BID AND WITHDRAWAL OF BID**

Bidder may, in time for the submission of bids, changes or supplements the bid or withdraw the bid in the manner provided for the preparation and submission of bids, in which it shall clearly indicate which part of the bid is amended or supplemented.

## CONTENT OF THE BID

1. Cover page of the bid
2. Content of the bid
3. Completed information about the bid and the bidder
4. Agreement on joint application for the joint bid
5. Completed form for the financial part of the bid
6. Members of the consulting team
7. Certificates confirming participation in the spectrum auctions according to Indicators I, II, III and IV
8. Description of working method for the provision of consulting services
9. Statement of independence in relation to the interests of the electronic communications market in Montenegro
10. Statement/s on non-existence of the conflict of the interests on the side of bidder, joint bid applicant, sub-provider or sub-contractor
11. Evidences for fulfillment of mandatory requirements for participation in the public bidding
12. Signed draft contract on the public procurement
13. Means of financial securing (guarantees)

**THE POWER OF BIDDERS' LEGAL REPRESENTATIVE OR  
ATTORNEY TO PARTICIPATE IN THE OPENING OF BIDS**

(name, surname and identity card number or other identification document) is authorized, on behalf of (name of the bidder), as bidder, to attend the public opening of bids in relation with Tender documentation issued by Agency for Electronic Communications and Postal Services No. 0102-2741/6 from 20th May 2015, for the procurement of consulting services for the preparation and conduction of public bidding procedure for awarding approvals for the use of radio frequencies in the bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz and 2.6 GHz, for the implemetation of public mobile electronic communication networks, by means of spectrum auction, and to represent the interests of this bidder in the public opening of bids.

**Authorized person for the bidder**

\_\_\_\_\_  
(name, surname and function)

\_\_\_\_\_  
(personal signature)

M.P.

*Note: The power shall be submitted to the Commission for the opening and evaluation of bids immediately prior to the public opening of bids*



## **INSTRUCTIONS ON LEGAL REMEDY**

Any interested person (a person who has requested clarification of the Tender documentation, the person in the complaint or prove it is probable that because of the challenged act or acts the Contracting Authority suffered or could suffer damage as a bidder in the public procurement procedure) may appeal against the Tender documentation to the State Commission for Control public procurement procedures from the date of publication of tender documents to the day set for the opening of the bids.

The appeal is lodged through the Contracting Authority directly, by registered mail with delivery note or electronically with advanced electronic signature, provided that the appeal must be submitted to the Contracting Authority prior to the deadline for the submission of bids.

The appeal may be contested on the content, method of publication (of delivery), modifications, additions, clarification and / or omission for giving clarification of the Tender documentation.

The appeal shall be submitted with proof that the fee was paid to conduct the proceedings on the appeal in the amount of 1% of the estimated value of public procurement, and the highest 8,000.00 euros into the account of the State Commission for Control of public procurement number 530-20240-15 NLB Montenegro banka A.D.

Instructions for the payment of the interested parties from abroad can be found on the website of the State Commission for the Control of public procurement, Montenegro.

If the appeal fails to provide evidence that the fees has been paid for the proceedings in the prescribed amount, the appeal shall be dismissed as irregular.